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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AIU INSURANCE COMPANY, : 07 Civ. 7052 (SHS)

Plaintiff, :

-against- : ORDER

TIG INSURANCE COMPANY, :

Defendant. :

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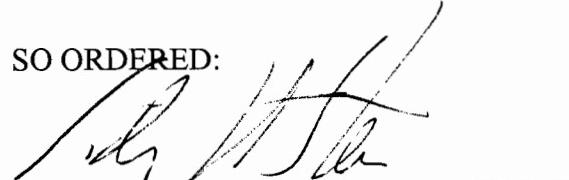
SIDNEY H. STEIN, U.S.D.J.

Because the parties' submissions dated February 25, and March 8, 2010, demonstrate that discovery is still being conducted, I conclude that consideration of defendants' motion for partial summary judgment is premature at this stage, except to the extent that factual matters are not in dispute. Accordingly,

IT IS HEREBY ORDERED that except to the extent it recommends that summary judgment be granted for TIG on the issue of whether TIG provided reinsurance coverage for the period from October 1, 1981 through October 1, 1982, Magistrate Judge Pitman's Report and Recommendation dated February 11, 2010, is vacated without prejudice to a renewed motion for summary judgment at the conclusion of discovery. The Report and Recommendation is adopted only with respect to its recommendation that summary judgment be granted in TIG's favor on the issue of whether TIG provided reinsurance coverage for the period from October 1, 1981 through October 1, 1982.

Dated: New York, New York
March 9, 2010

SO ORDERED:



Sidney H. Stein, U.S.D.J.